

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**LOCAL UNION NO. 124 I.B.E.W. PENSION
TRUST FUND, a Trust Fund,**

Plaintiffs,

v.

LAN-TEL COMMUNICATIONS SERVICES, INC.,

and

**LAN-TEL COMMUNICATIONS SERVICES, INC.
d/b/a UNIVERSAL SECURITY GROUP**

Defendants.

Case No: 4:18-cv-00221-BCW

AFFIDAVIT OF SCOTT NIEMEYER

I, Scott Niemeyer, being duly sworn, do hereby state as follows:

1. I am of legal age and of sound mind and body and otherwise capable of making this affidavit.

2. The facts set forth below are based on my personal knowledge and are true to the best of my information, knowledge, and belief.

3. I am the Vice President of Lan-Tel Communications Services, Inc.

4. In such capacity, I oversee and manage the operations of Lan-Tel Communications Services, Inc. In that capacity, I have access to and can review employee rosters and other related information. I was also one of the main points of contact for Eric Roby, our prior attorney and former Registered Agent.

5. Our prior attorney, Eric Roby, never informed me or any other individual or officer of Lan-Tel of Requests for Admissions or any other discovery requests in this matter. In fact, prior to learning there was a mediation in November of 2018 to meet with the Plaintiffs to discuss a possible resolution, we were unaware that the above-referenced lawsuit had even been filed. And, after that meeting did not result in a resolution, I was believed Mr. Roby was waiting on additional information from Plaintiffs to further discuss a resolution. The next I heard of this matter was after we received a garnishment on Lan-Tel's bank account. I later learned that Mr. Roby had apparently expressed to counsel for the Plaintiffs that he expected Lan-Tel to sign a settlement

agreement. However, no settlement agreement was discussed or presented to Lan-Tel for consideration by Mr. Roby.

6. After we obtained Enszt & Jester, P.C. to take over our representation, we learned of another case, *Construction Industry Laborers Pension Fund, et al. v. Lan-Tel Communications Services, Inc.* Case No. 4:19-cv-00276-FJG (W.D. Mo.), in which a summary judgment motion had been filed despite Lan-Tel never being informed of the existence of the lawsuit. There were also several state-court lawsuits where Mr. Roby was served as our Registered Agent, but which default judgment was entered because we were not made aware of the suits.

7. In the case of *Moritz v. Lan-Tel Communications Services, Inc.*, while Ms. Moritz had made a pursuit claim, Mr. Roby failed to inform us that the lawsuit had been filed. Thereafter, he apparently agreed to settle the case with the Plaintiff without any authority from Lan-Tel to do so. I first learned of the suit when we were served with a garnishment that I later learned included not only the amount Mr. Roby agreed to settle the case for, but a larger amount for the Plaintiff's attorney fees in having to enforce the settlement because it was never paid.

8. I have reviewed the personnel and employment files of Mr. Shepard and Lan-Tel does not have any information demonstrating that Mr. Shepard had a BICSI Certification during the time frame in CBAC's audit in this matter.

9. Sean McBee, William Lambert, and John Clark were project managers/estimators during the time period of CBAC's audit. As project managers, they did not perform tasks covered by the collective bargaining agreement for the International Brotherhood of Electrical Workers.

10. Attached to this Affidavit as Exhibit 1-A are copies of documents showing reimbursements to various employees. It is my understanding that CBAC included these amounts as "wages" paid to these individuals in its audit when, instead, they were reimbursements.

11. In the early part of 2017, Lan-Tel was engaged in negotiations with Universal Technologies to purchase Universal Technologies. During that time, Universal Technologies was having trouble making its payroll. Lan-Tel agreed to loan the funds so that Universal Technologies could meet its payroll and Lan-Tel paid Universal Technologies' employees directly due to Universal Technologies bank accounts being overdrawn and having funds withheld. This occurred in March and April 2017. However, these individuals were never Lan-Tel's employees. Lan-Tel decided not to proceed with the purchase of Universal Technologies but did decide to hire many of its employees as of May 2017 after Lan-Tel called the union hall for workers and the union hall sent previous Universal Technologies workers.

12. While I cannot recall every attempt or effort I made to obtain information from Mr. Roby about this and other litigation I knew about, I did inquire with him about the status of the files Lan-Tel had with him on multiple occasions.

FURTHER AFFIANT SAYETH NAUGHT.



Scott Niemeyer

STATE OF Missouri)
)
COUNTY OF Jackson)

Subscribed and sworn to before me this 19 day of February, 2020.



Notary Public

My Commission Expires: January 7, 2022



MONIQUE JEANETTE VOLLAND
My Commission Expires
January 7, 2022
Jackson County
Commission #18555478

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53882	07/21/17	ANDREW/	ANDREW ANDRADE						
				26732	5/16-5/22	796.00	0.00	052217as	05/23/17
				27278	5/16-5/22	-796.00	0.00	052217 AS	05/23/17
			Standard Check		Check Amount	0.00	0.00		
					Account Totals	0.00	0.00		



A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54481	10/03/17	SCOTT M	Scott Mergell						
				28953	reim. DSX card readers	866.10	0.00	100317 SM	10/03/17
			Standard Check		Check Amount	866.10	0.00		
54575	10/16/17	SCOTT M	Scott Mergell						
				29207	As Builts - 24 hours	865.44	0.00	101517 SM	10/16/17
			Standard Check		Check Amount	865.44	0.00		
					Account Totals	1,731.54	0.00		

A/P Check Register



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54181	08/25/17	ROBERTS	Robert Smith						
				28384	reim.	270.38	0.00	082417 RS	08/25/17
			Standard Check		Check Amount	270.38	0.00		
					Account Totals	270.38	0.00		

A/P Check Register



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53555	06/08/17	MICHAEL	Michael Kemper						
				26998	Reimbursement	263.88	0.00	060217-mk	06/02/17
			Standard Check		Check Amount	263.88	0.00		
					Account Totals	263.88	0.00		

A/P Check Register



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53378	05/10/17	MICHAEL	Michael Kemper						
				26586	Reimbursement	243.66	0.00	051017-mkrei	05/10/17
			Standard Check		Check Amount	243.66	0.00		
					Account Totals	243.66	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53611	06/13/17	ERICPYLE	Eric Pyle						
				27108	reimbursement	181.19	0.00	061217 EP	06/13/17
			Standard Check		Check Amount	181.19	0.00		
					Account Totals	181.19	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53341	05/03/17	ERICPYLE	Eric Pyle						
				26505	REIMBURSEMENT	120.00	0.00	050417-EPREI	05/04/17
			Standard Check		Check Amount	120.00	0.00		
					Account Totals	120.00	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53738	07/05/17	DAMIENSI	Damian Siebenmorgen						
				27463	reimbursement	327.09	0.00	070217 DS	07/02/17
				27464	reimbursement	365.81	0.00	062517 DS	06/25/17
				27465	reimbursement	2,041.50	0.00	070517 DS	07/05/17
			Standard Check		Check Amount	2,734.40	0.00		
53739	07/05/17	DAMIENSI	Damian Siebenmorgen						
				27466	per diem 7/10/17-7/15/17	270.00	0.00	071517 DS	07/05/17
			Standard Check		Check Amount	270.00	0.00		
53871	07/20/17	DAMIENSI	Damian Siebenmorgen						
				27607	reimbursement	86.60	0.00	071717 DS	07/17/17
			Standard Check		Check Amount	86.60	0.00		
53948	07/28/17	DAMIENSI	Damian Siebenmorgen						
				27903	reimbursement - Home Depo	71.88	0.00	072517 DS	07/25/17
			Standard Check		Check Amount	71.88	0.00		
53969	07/31/17	DAMIENSI	Damian Siebenmorgen						
				27929	reimbursement	82.83	0.00	073117 DS	07/31/17
			Standard Check		Check Amount	82.83	0.00		
					Account Totals	3,245.71	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53610	06/13/17	DAMIENSI	Damian Siebenmorgen						
				27105	reimbursement	2,421.02	0.00	053017 DS	06/13/17
				27106	reimbursement	170.58	0.00	060917 DS	06/13/17
			Standard Check		Check Amount	2,591.60	0.00		
53680	06/19/17	DAMIENSI	Damian Siebenmorgen						
				27230	reimbursement	2,858.42	0.00	061517 DS	06/15/17
			Standard Check		Check Amount	2,858.42	0.00		
53682	06/21/17	DAMIENSI	Damian Siebenmorgen						
				27271	reimbursement	618.92	0.00	062117 DS	06/21/17
			Standard Check		Check Amount	618.92	0.00		
					Account Totals	6,068.94	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53372	05/09/17	DAMIENSI	Damian Siebenmorgen						
				26579	Reimbursement	122.38	0.00	050217-dsrei	05/02/17
			Standard Check		Check Amount	122.38	0.00		
53429	05/18/17	DAMIENSI	Damian Siebenmorgen						
				26648	Reimbursement	93.56	0.00	051717-dsrei	05/17/17
			Standard Check		Check Amount	93.56	0.00		
53459	05/22/17	DAMIENSI	Damian Siebenmorgen						
				26728	Reimbursement	2,930.00	0.00	051917-dsrei	05/19/17
			Standard Check		Check Amount	2,930.00	0.00		
					Account Totals	3,145.94	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53798	07/07/17	MICHAELF	Michael Paque						
				27511	reimbursement	65.68	0.00	070217 MP	07/02/17
			Standard Check		Check Amount	65.68	0.00		
53799	07/07/17	MICHAELF	Michael Paque						
				27521	reimbursement	162.92	0.00	062317 MP	06/23/17
			Standard Check		Check Amount	162.92	0.00		
53874	07/20/17	MICHAELF	Michael Paque						
				27608	reimbursement	105.38	0.00	071717 MP	07/17/17
			Standard Check		Check Amount	105.38	0.00		
53915	07/24/17	MICHAELF	Michael Paque						
				27735	reimbursement - Home Depo	62.09	0.00	072017 - MP	07/20/17
			Standard Check		Check Amount	62.09	0.00		
					Account Totals	396.07	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53612	06/13/17	MICHAELF	Michael Paque						
				27109	reimbursement	56.33	0.00	061217 MP	06/13/17
			Standard Check		Check Amount	56.33	0.00		
					Account Totals	56.33	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53412	05/15/17	MICHAELF	Michael Paque						
				26619	reimbursement	535.82	0.00	051517 - MP	05/15/17
			Standard Check		Check Amount	535.82	0.00		
					Account Totals	535.82	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53983	08/03/17	JOHNCLA	John Clark						
				27961	reimbursement	220.81	0.00	080317 JC	08/03/17
			Standard Check		Check Amount	220.81	0.00		
					Account Totals	220.81	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53873	07/20/17	JOHNCLA	John Clark						
				27606	reimbursement	1,575.25	0.00	071217 JC	07/12/17
			Standard Check		Check Amount	1,575.25	0.00		
					Account Totals	1,575.25	0.00		

A/P Check Register



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53683	06/22/17	JOHNCLA	John Clark						
				27273	Reimbursement	986.52	0.00	062217 JC	06/22/17
			Standard Check		Check Amount	986.52	0.00		
					Account Totals	986.52	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53455	05/22/17	JOHNCLA	John Clark						
				26710	Reimbursement	142.46	0.00	051917-jcrei	05/19/17
			Standard Check		Check Amount	142.46	0.00		
					Account Totals	142.46	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
56166	06/18/18	WILLY LA	William S Lambert						
				32355	Material Reimbursement/Tur	750.00	0.00	06182018	06/18/18
			Standard Check		Check Amount	750.00	0.00		
					Account Totals	750.00	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
55889	04/24/18	WILLY LAN	William S Lambert						
				31744	Per Diem 4 nights 4/26-4/30	140.00	0.00	04262018 WL	04/24/18
			Standard Check		Check Amount	140.00	0.00		
56009	04/18/18	WILLY LAN	William S Lambert						
				31672	WL04/18/2018	3,991.40	0.00	WL04/18/2018	04/18/18
			Standard Check		Check Amount	3,991.40	0.00		
					Account Totals	4,131.40	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54740	11/03/17	WILLY LA	William S Lambert						
				29435	per diem	2,663.48	0.00	110317 WL	11/03/17
			Standard Check		Check Amount	2,663.48	0.00		
54772	11/07/17	WILLY LA	William S Lambert						
				29543	reim. - tolls	34.55	0.00	110717 WL	11/07/17
			Standard Check		Check Amount	34.55	0.00		
					Account Totals	2,698.03	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
54082	08/11/17	WILLY LA	William S Lambert						
				28152		1,032.49	0.00	Q1 REIM	08/11/17
			Standard Check		Check Amount	1,032.49	0.00		
54135	08/18/17	WILLY LA	William S Lambert						
				28269	eclipse glasses	135.75	0.00	081817 WL	08/18/17
			Standard Check		Check Amount	135.75	0.00		
					Account Totals	1,168.24	0.00		

A/P Check Register

Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
53418	05/17/17	WILLY LAI	William S Lambert						
				26641	per diem 1 night 5/16	25.00	0.00	051617-wl	05/16/17
			Standard Check		Check Amount	25.00	0.00		
53463	05/26/17	WILLY LAI	William S Lambert						
				26766	per diem 5 nights 5/26-5/31	125.00	0.00	052617-wl	05/26/17
			Standard Check		Check Amount	125.00	0.00		
53479	05/26/17	WILLY LAI	William S Lambert						
				26818	4Q16-MatReim	2,603.05	0.00	121516-wl	12/15/16
			Standard Check		Check Amount	2,603.05	0.00		
					Account Totals	2,753.05	0.00		

A/P Check Register



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
52357	10/24/16	WILLY LA	William S Lambert						
				24237	Material Reimbursement	500.00	0.00	1016-Dept8	10/24/16
			Standard Check		Check Amount	500.00	0.00		
					Account Totals	500.00	0.00		

A/P Check Register



Chk/Pymt Ref No	Check Date	Vendor Number	Vendor Name	Invoice Trx No	Joint Name Description	Payment	Discount	Invoice Number	Invoice Date
51683	07/08/16	WILLY LAI	William S Lambert						
				22712	Reimbursement	500.00	0.00	070216-wlrei	07/02/16
	Standard Check				Check Amount	500.00	0.00		
					Account Totals	500.00	0.00		